

UNITED STATES DISTRICT COURT
FOR THE
DISTRICT OF VERMONT

UNITED STATES OF AMERICA

v.

DYLAN RUSSELL,
Defendant.

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Docket No. 2:24-mj-00009

MOTION FOR DETENTION

NOW COMES the United States of America, by and through its attorney, Nikolas P. Kerest, United States Attorney for the District of Vermont, and moves for pretrial detention of the above-named defendant pursuant to 18 U.S.C. § 3142(e) and (f).

1. Eligibility for Detention. This defendant is eligible for detention because the case involves a felony offense involving the possession or use of a firearm. *See* 18 U.S.C. § 3142(f)(1)(E).

2. Reason For Detention. The Court should detain the defendant because there are no conditions of release that will reasonably assure the safety of any other person and the community and the defendant's appearance as required.

3. Rebuttable Presumption. The United States will not invoke the rebuttable presumption against the defendant under § 3142(e). No rebuttable presumption applies in this matter.

4. Time For Detention Hearing. The United States requests the court conduct the detention hearing upon completion of the pretrial services report.

5. Other Matters. The charges against defendant Russell include serious firearms charges that he submitted false information on ATF Form 4473 stating that he was the actual

buyer/transferee of the firearms he purchased on three dates when he knew that the actual purchaser was someone other than himself. Further, defendant Russell knew that he was purchasing the firearms for an individual who was likely to possess or use the firearms in relation to drug trafficking crimes. The weight of the evidence against Russell is strong, as set forth in the sworn criminal complaint. Defendant Russell engaged in these straw purchases of firearms to support his addiction to fentanyl/heroin and cocaine base. Russell is actively suffering from addiction to controlled substances, and the risk to the community that he will engage in further criminal activity to support his addiction cannot be reasonably addressed by any conditions of release at this time.

Defendant Russell has failed to appear on at least two occasions since April 2022 related to state charges in Vermont state court proceedings, and was previously charged with violations of his conditions of release regarding those state charges. This history indicates the risk that Russell will not abide by conditions set by the Court, especially when he is actively using controlled substances. It is also indicative that conditions will not reasonably assure his presence at future court appearances.

Dated at Burlington, in the District of Vermont, January 23, 2024.

Respectfully submitted,

NIKOLAS P. KEREST
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